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REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants request reconsideration of the subject application based on the following remarks.

The Applicants appreciate the Examiner's thorough examination of the subject application and the indication that claims 4, 7, 8, and 17-68 would be in a condition for allowance if rewritten in independent form. Applicants further request reconsideration of the subject application based on the instant amendments and following remarks.

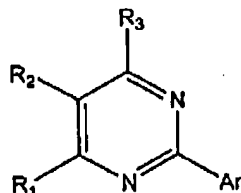
Claims 3, 6, and 8 have been amended. No new matter has been added by the claim amendments. Support for the amendment to claims can be found in the claims as originally filed and throughout the specification.

Claims 3, 5, and 6 were rejected under 35 U.S.C. §102(c) as being allegedly anticipated by Murata et al. (U.S. Patent 5,972,946).

The compounds recited by the Murata reference comprise a chloro substituent and either a hydrogen or alkyl group at the two pyrimidine ring positions *meta* to the substituted phenyl group which is located at the 2- position of the pyrimidine ring. The compounds recited by Murata further comprise a methyl, ethyl, hydrogen, nitro, or -CO₂Et group *para* to the aryl ring.

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In contrast, claim 3 provides compounds of the formula



in which

R₁ and R₃ are independently chosen from hydrogen, cyano, nitro, optionally substituted alkyl, optionally substituted alkenyl, optionally substituted alkynyl, optionally substituted alkoxy, optionally substituted (cycloalkyl)alkyl, optionally substituted alkylthio, optionally substituted alkylsulfinyl, or optionally substituted alkylsulfonyl, and optionally substituted mono or dialkylcarboxamide, with the proviso that R₁ and R₃ are not both hydrogen.

Thus compounds of claim 3 exclude those compounds in which R₁ and/or R₃ is a halogen atom (c.g., a fluoro, chloro, bromo, or iodo substituent).

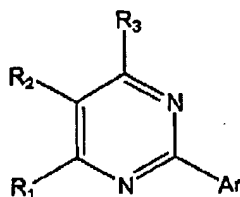
Thus Murata fails to disclose or suggest the compounds provided by claim 3, as amended. Thus claim 3 is patentable over Murata. Claims 5 and 6 depend from claim 3 and are therefore also patentable over the Murata document.

Claims 1 and 2 were rejected under 103(a) as being allegedly unpatentable over Murata et al. (U.S. Patent 5,972,946).

As the office action is understood, Murata is cited because compounds 22-30 at column 29 which are allegedly analogous to the compounds of the present invention.

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The present invention provides in claims 1 and 2 compounds of the following formula:



wherein the 5-ring position (i.e. R₂) is optionally substituted alkenyl, optionally substituted alkynyl, optionally substituted alkoxy, optionally substituted aminoalkyl, optionally substituted mono or dialkylamino, optionally substituted alkylthio, optionally substituted alkylsulfinyl, optionally substituted alkylsulfonyl, optionally substituted mono or dialkylcarboxamide, optionally substituted carbocyclic aryl or optionally substituted heteroaryl having from 1 to 3 rings, and 3 to 8 ring members in each ring and 1 to about 3 heteroatoms.

That is claims 1 and 2 provide compounds in which the R₂ group is not hydrogen, an alkyl group, a -COO-alkyl group, or a nitro group.

In contrast, compounds 22-30 recited in Table II in column 29 of the Murata reference comprise an methyl, ethyl, nitro, hydrogen, or a COOEt group *para* to the 2-aryl group of the pyrimidine ring.

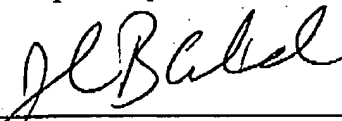
Murata fails to teach or suggest 2-aryl pyrimidine compounds in which the pyrimidine ring is substituted with any of the substituents of the Markush group provided for variable R₂ in claim 1 or claim 2. More particularly, Murata merely teaches pyrimidine compounds in which the 5-substituent of the 2-aryl pyrimidine compound is selected from alkyl, nitro, and -COOEt.

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Thus, one skilled in the art would not have been motivated to prepare the compounds provided by claim 1 and claim 2 based on the compounds disclosed by Murata. Applicants respectfully request withdrawal of the rejection and reconsideration of the claims.

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Respectfully submitted,



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